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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,865	07/25/2001	Georges Marcel Victor Thielen	DN2000147	6253

7590 07/20/2004

The Goodyear Tire & Rubber Company
Patent & Trademark Department - D/823
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EXAMINER	
FISCHER, JUSTIN R	

ART UNIT	PAPER NUMBER
1733	

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/912,865	VICTOR THIELEN, GEORGES MARCEL	
	Examiner	Art Unit	
	Justin R Fischer	1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1,4-6,8-14 and 17*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5: Vulcuren is directed to a novel cross-linking agent/anti-reversion agent (1,6-bis(N,N'-dibenzylthiocarbamoyldithio)-hexane) for use in the manufacture of vulcanizates of natural rubber, isoprene rubber, SBR, and butadiene rubber and blends thereof. The inclusion of such an additive results in highly reversion stable vulcanizates that show a high retention rate in regards to a plurality of mechanical properties. In describing the additive, Vulcuren suggests the use of between 0.5 and 3.0 phr- Vulcuren further states the following: to maintain comparable crosslinking density, the usual amount of sulfur should be slightly reduced. While the two examples of Vulcuren include sulfur in an amount of 0 phr and 0.5 phr, the reference in now way suggests that the additive cannot be used in a composition having greater than 0.5 phr. As noted above, it is desired to **slightly** reduce the usual amount of sulfur (used in conventional sulfur curing systems). In this instance, Oare suggests that the curing system contains between 0.5 and 8 phr of sulfur. Thus, in forming the relevant rubber composition of Oare, one of ordinary skill in the art at the time of the invention would have been motivated to include the claimed additive in an amount between 0.5 and 3.0 phr (falls entirely within claimed range) while slightly reducing the amount of sulfur (defined as 0.5-8 phr by Oare). Therefore, the range for the amount of sulfur would be slightly lowered, such that the minimum amount is below 0.5 phr and the maximum amount is below 8 phr- this range is extremely similar to the claimed range between 1.5 and 6 phr. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to form the composition of Oare

with the claimed amounts of sulfur and 1,6-bis(N,N'-dibenzylthiocarbamoyldithio)-hexane.

Regarding applicant's arguments, it is agreed that Vulcuren fails to expressly teach the use of the claimed additive at sulfur concentrations greater than 0.5 phr- the two embodiments of Vulcuren, however, are exemplary and in view of the general suggestion to use the claimed additive in conventional sulfur curing systems, one of ordinary skill in the art at the time of the invention would have found it obvious to use the claimed additive at sulfur concentrations greater than 0.5 phr. As to the inverse relationship noted by the examiner, it was never suggested that the reference identified an inverse, linear relationship (depicted by Figures in response). The examiner simply provided a general observation in regards to the relationship between the amount of sulfur and the amount of the additive. It is emphasized that Vulcuren discloses the inclusion of an additive in an existing rubber composition- in this instance, the rubber composition being modified is Oare, which suggests a sulfur content between 0.5 and 8.0 phr. Thus, when including the claimed additive in the rubber composition of Oare, one of ordinary skill in the art at the time of the invention would have "slightly reduced" the sulfur content of Oare to remain consistent with the teachings of Vulcuren.

Justin Fischer

July 16, 2004

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